

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	
vs.)	
)	Case No.: 19-cr-00716 (DLC)
GEORGIOS NIKAS et al.,)	
)	
Defendants.)	

DECLARATION OF JONATHAN R. STREETER

Jonathan R. Streeter, an attorney duly licensed to practice in the State of New York and before this Court, declares the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I represent Telemaque Lavidas, a defendant in the above-captioned matter.
2. I make this declaration, pursuant to Local Criminal Rule 16.1, in support of the motion by Mr. Lavidas requesting that this Court order the Government to provide a bill of particulars. I further submit this declaration to provide the certification required pursuant to Local Criminal Rule 16.1.
3. On Monday, November 18, 2019, I wrote a letter to Assistant United States Attorneys Richard S. Cooper and Daniel Tracer requesting additional discovery, a bill of particulars, and return of certain seized evidence. (November 18, 2019 Letter from Jonathan Streeter, attached hereto as Ex. A).
4. In an email dated Thursday, November 21, 2019, at 3:52 pm, (the day before this motion was due pursuant to this Court's order), AUSA Richard Cooper stated that the Government would not be providing the requested particulars, but instead would offer certain stipulations that would "organize some of the evidence" the Government intends to offer at trial.

(November 21, 2019 Email from Richard Cooper to defense counsel attached hereto as Ex. B).

In an email that same day at 5:58 pm, AUSA Cooper provided two proposed stipulations that list voluminous trading and phone records the Government proposes to enter into evidence at trial.

(Proposed Stipulations attached hereto as Ex. C and D).

5. In a letter dated Thursday, November 21, 2019 (the day before this motion was due pursuant to this Court's order), the Government revealed, for the first time, that it possessed material that is exculpatory of Mr. Lavidas. Specifically, the Government stated:

We wish to advise you that records provided to the Government by Investment Bank B, as identified in the Indictment in this case in connection with the Corporate Acquisitions Insider Trading Scheme, reflect that the individual identified in the Indictment as CC-2 accessed files relating to Baxalta on the computer systems of Investment Bank B on approximately twelve occasions, from approximately April 2015 through July 2015. Those records reflect that on or about July 27, 2015, CC-2 accessed files relating to Baxalta's potential acquisition of Ariad on the computer systems of Investment Bank B.

(November 21, 2019 Letter from Richard Cooper to defense counsel, attached hereto as Ex. E).

6. I have conferred with the Government in an effort in good faith to resolve by agreement the issues raised by our motion without the intervention of the court and have been unable to reach such an agreement.

Dated: New York, New York
November 22, 2019

Respectfully submitted,

DECHERT LLP

By: /s/ Jonathan R. Streeter
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